

**RA-CW-597-CWP-2014 in/and
CWP-15867-1999**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**RA-CW-597-CWP-2014 in/and
CWP-15867-1999
Date of Decision: 17.02.2016**

Jaspal Singh and others

... Petitioner(s)

Versus

Financial Commissioner (Appeals-I), Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Gaurav Chopra, Advocate,
for the applicants-petitioners.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Mr. Ranjan Lakhanpal, Advocate,
for non-applicant/respondent No.4.

Paramjeet Singh Dhaliwal, J.

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Instant review application has been filed under Article 226 of the Constitution of India read with Order 47 Rule 1 CPC for review of the order dated 29.10.2014 passed in the main writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicants has contended that the

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main writ petition was decided by this Court in the absence of counsel for the petitioners, who had accidentally and inadvertently missed the case in the daily cause list as a result whereof counsel for the petitioners could not appear at the time when the case was called for adjudication. Due to non-representation on behalf of the petitioners, the salient and pertinent facts having a material bearing on the outcome of the writ petition escaped the attention of this Court and thus, the order dated 29.10.2014 is liable to be recalled.

Per contra, learned State counsel and learned counsel for non-applicant/respondent No.4 state that they have no objection if the order is recalled, main writ petition is taken up for hearing and decided after hearing counsel for the parties.

In view of non-representation on behalf of the applicants at the time of disposal of writ petition and no objection given by learned State counsel and learned counsel for non-applicant, instant application is allowed and order dated 29.10.2014 is recalled. CWP-15867-1999 is restored to its original number.

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With the consent of learned counsel for the parties, the main petition is taken up for hearing.

I need not narrate the detailed facts, they are already mentioned in the order dated 29.10.2014 whereby writ petition was dismissed. The said order is maintained. A relevant extract of the order

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dated 29.10.2014 is reproduced as under:

“A categorical finding has been recorded by authorities below that if the petitioners are having excess land than 7 hectares then the order passed by Assistant Collector, Ist Grade would not apply. It has also been recorded in the order of Financial Commissioner dated 23.09.1999 that Som Nath, a big landlord, sold his land vide sale deed dated 17.10.1988 out of his reserved area and respondent No.4 was claiming himself to be tenant of the big landlord for the last 40 years. In view of this, Financial Commissioner came to the conclusion that matter needed to be remanded to the Assistant Collector, Ist Grade to be decided afresh after affording adequate opportunity to the parties.

Since, the matter has been remanded to the Assistant Collector, Ist Grade for fresh decision with regard to rights of respondent No.4 as tenant, as claimed, with respect to surplus land, I do not find any illegality or perversity in the order passed by Financial Commissioner. Otherwise also, the case will be decided on merits in pursuance of remand after affording opportunity of hearing to the parties.

Dismissed. Impugned order is upheld. Parties are directed to appear before the Assistant Collector, Ist Grade, Muktsar Sahib on 01.12.2014.

Copy of this order be sent to the petitioners.”

Learned counsel for the petitioners has failed to point out any illegality or perversity in the impugned orders, so the order dated 29.10.2014 passed by this Court is maintained.

Dismissed.

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Parties are directed to appear before the Assistant Collector
Ist Grade, Muktsar Sahib on 21.03.2016.

17.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge